

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNILEVER SUPPLY CHAIN, INC. and :
CONOPCO, INC., :

Plaintiffs, :

- against - :

EINSTEIN COSMETICS LLC and :
BENJAMIN EINSTEIN, :

Defendants. :

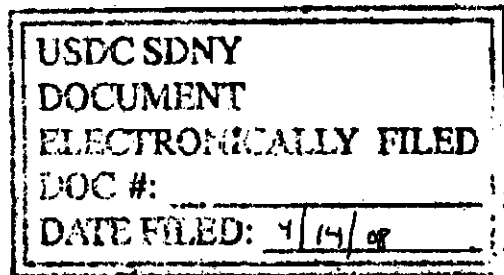
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CHIN, District Judge

This action was filed on August 27, 2007. Defendant Einstein Cosmetics LLC was served on August 29, 2007 and defendant Benjamin Einstein was served on August 31, 2007. Defendants have not answered or otherwise appeared in this action.

On October 17, 2007, the Court approved an extension for defendants' time to answer until October 26, 2007 in light of ongoing settlement discussions between the parties. There has been no activity in this case since that order.

My law clerk called plaintiffs' counsel following the order, and plaintiffs' counsel did not return the call. Finally, when my law clerk left a second message, plaintiffs' counsel returned the call and agreed to provide the Court with a written update on the parties' settlement talks by January 6, 2008. The Court did not receive any letter. On March 28, 2008, the parties were directed to appear at a conference scheduled for today. Neither side appeared.



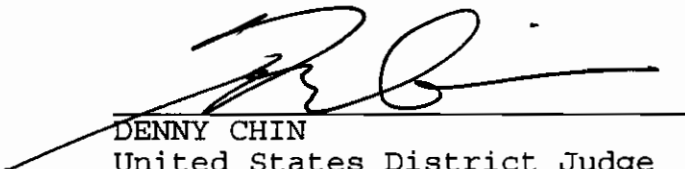
ORDER

07 Civ. 7574 (DC)

Accordingly, I dismiss the case for failure to prosecute without prejudice.

SO ORDERED.

Dated: New York, New York
April 11, 2008



DENNY CHIN
United States District Judge